

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION**

**ERSKIN RIVERS,
TDCJ No. 01369061,**

Plaintiff,

v.

KEVIN SCHIWART,

Defendant.

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Civil Action No. 7:18-cv-00120-M-BP

**ORDER ACCEPTING FINDINGS AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

The United States Magistrate Judge made Findings, Conclusions, and a Recommendation in this case. Plaintiff filed objections on March 28, 2019. The District Court reviewed the proposed Findings, Conclusions, and Recommendation *de novo*. Finding no error, the Court **ACCEPTS** the Findings, Conclusions, and Recommendation of the United States Magistrate Judge.

The Court therefore **DISMISSES** without prejudice Plaintiff's claims asserted against Defendant in his official capacity for lack of subject matter jurisdiction; **DENIES** Defendant's Motion to Dismiss (ECF No. 10) for failure to state a claim as asserted against Defendant in his individual capacity; and otherwise **DENIES** without prejudice Defendant's Motion to Dismiss (ECF No. 10).

SO ORDERED this 8th day of April, 2019.


BARBARA M. G. LYNN
CHIEF JUDGE